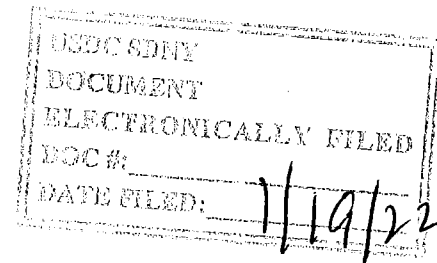


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
GISSELLE VASQUEZ

Plaintiff,

v.

CITY OF YONKERS, YONKERS PUBLIC
SCHOOL DISTRICT, ROBERT C. DODSON
PUBLIC SCHOOL, CESAR CHAVEZ
PUBLIC SCHOOL, EVELINA MEDINA,
CHRISTOPHER CASSANO, SANDRA
GUZMAN, and DR. EDWIN M. QUEZADA,
in their personal and professional capacities,
Defendants.
-----X**ORDER**

21 CV 4620 (VB)

Defendants the City of Yonkers, Yonkers Public School District, Robert C. Dodson Public School, Cesar Chavez Public School, and Dr. Edwin M. Quezada having filed a motion to dismiss (Doc. #23); defendant Sandra Guzman having filed a motion to dismiss (Doc. #30); and defendant Christopher Cassano having filed a motion to dismiss (Doc. #36), each pursuant to Rule 12(b)(6),¹ it is hereby ORDERED:

1. Defendants the City of Yonkers, Yonkers Public School District, Robert C. Dodson Public School, Cesar Chavez Public School, and Dr. Edwin M. Quezada's motion to dismiss is GRANTED IN PART and DENIED IN PART. The motion is GRANTED IN FULL with respect to the City of Yonkers, Robert C. Dodson Public School, and Cesar Chavez Public School. With regard to defendants Yonkers Public School District and Dr. Edwin M. Quezada, the motion is GRANTED IN PART, and the following claims are dismissed: (i) discrimination and retaliation claims brought pursuant to the New York State Human Rights Law (Third and Fourth Causes of Action), (ii) aiding and abetting under New York State Law (Fifth Cause of Action), and (iii) "Negligence Respondeat Superior" (Seventh and Eighth Causes of Action). The motion is DENIED with respect to plaintiff's Section 1983 retaliation and Monell claims against the Yonkers Public School District and Quezada (First and Second Causes of Action). (Doc. #23).

2. Defendants Sandra Guzman and Christopher Cassano's motions to dismiss are GRANTED. (Docs. ##30, 36).

3. In addition to the Yonkers Public School District and Quezada, the other remaining defendant is Evelina Medina, who did not file a motion to dismiss.

¹ Although defendants the City of Yonkers, Yonkers Public School District, Robert C. Dodson Public School, Cesar Chavez Public School, and Dr. Edwin M. Quezada purport to bring their motion to dismiss pursuant to both Rules 12(b)(1) and 12(b)(6), they made no arguments in support of their Rule 12(b)(1) motion. Accordingly, the Court DENIES AS MOOT the Rule 12(b)(1) motion. (Doc. #23).

4. By February 2, 2022, defendants Yonkers Public School District and Quezada shall file an answer.

5. A telephone conference is scheduled for February 9, 2022, at 12:00 p.m., at which time the Court will issue a bench ruling explaining the basis for its decision. This conference shall also serve as an initial conference in this matter, for which the Court will separately issue a Notice of Initial Conference. Counsel shall use the following information to connect by telephone:

Dial-In Number: (888) 363-4749 (toll free) or (215) 446-3662
Access Code: 1703567

6. By February 2, 2022, counsel shall file on the ECF docket their proposed Civil Case Discovery Plan and Scheduling Order, the blank form for which will be attached to the Notice of Initial Conference.

7. The Clerk is instructed to terminate the motions, (Docs. ##23, 30, 36), and to terminate as defendants (i) the City of Yonkers, (ii) Robert C. Dodson Public School, (iii) Cesar Chavez Public School, (iv) Sandra Guzman, and (v) Christopher Cassano.

Dated: January 19, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge